

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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| USDC SDNY            |
| DOCUMENT             |
| ELECTRONICALLY FILED |
| DOC #:               |
| DATE FILED: 2/5/21   |

United States of America,

—v—

Ruben Soto,

Defendant.

21-cr-\_\_ (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The waiver of indictment, arraignment, and change-of-plea hearing in this matter is now scheduled to occur as a videoconference on **February 11, 2021 at 9:30 a.m.** In light of the COVID-19 public health crisis, there are significant issues related to in-court proceedings. If the Defendant is willing to waive his physical presence, this proceeding will be conducted remotely using the Skype for Business platform. The Court will separately provide the parties with instructions for accessing this platform. Members of the public may access audio for the proceeding by calling (917) 933-2166 and entering Conference ID number 987044774.

To that end, defense counsel shall confer with the Defendant regarding waiving his physical presence and provide the attached waiver form to him. If the Defendant consents and is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form **at least 24 hours prior to the proceeding.** In the event the Defendant consents, but counsel is unable to obtain or affix the Defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature to the form.

To the extent that there are any documents relevant to the proceeding, counsel should submit them to the Court **at least 24 hours prior to the proceeding.** To the extent any

documents require the Defendant's signature, defense counsel should endeavor to get them signed in advance of the proceeding as set forth above; if defense counsel is unable to do so, the Court will conduct an inquiry during the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature. The parties are advised to consult the Court's Individual Practices in Criminal Cases well in advance of the proceeding.

SO ORDERED.

Dated: February 5, 2021

New York, New York



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ALISON J. NATHAN  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

RUBEN SOTO,  
Defendant.

**WAIVER OF RIGHT TO BE PRESENT  
AT CRIMINAL PROCEEDING**

21-CR-\_\_ (AJN)

-----X

**Check Proceeding that Applies**

\_\_\_\_ Arraignment

I have been given a copy of the information containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the information; to have the information read aloud to me if I wish; to enter a plea of either guilty or not guilty before the judge; and to have an attorney beside me as I do. By signing this document, I wish to advise the court that after consultation with my attorney I willingly give up my right to appear in person before the judge for my arraignment. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me for my arraignment so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

\_\_\_\_\_

Signature of Defendant

\_\_\_\_\_

Print Name

\_\_\_\_ Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be present at the conferences. By signing this document, I wish to advise the court that I willingly give up my right to be present at the conferences in my case for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney be permitted to represent my interests at the proceedings even though I will not be present.

Date: \_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: \_\_\_\_\_  
Print Name \_\_\_\_\_  
Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: \_\_\_\_\_  
Print Name \_\_\_\_\_  
Signature of Defense Counsel

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: \_\_\_\_\_.

Date: \_\_\_\_\_  
Signature of Defense Counsel

Accepted: \_\_\_\_\_  
Signature of Judge  
Date: